



# Senate

## File No. 782

General Assembly

January Session, 2003

**(Reprint of File No. 607)**

Substitute Senate Bill No. 1066  
As Amended by House  
Amendment Schedule "A"

Approved by the Legislative Commissioner  
May 29, 2003

### **AN ACT CONCERNING VICTIMS' RIGHTS IN COURT PROCEEDINGS AND DUTIES OF VICTIM ADVOCATES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 54-91c of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2003*):

4 (b) Prior to the imposition of sentence upon any defendant who has  
5 been found guilty of any crime or has pleaded guilty or nolo  
6 contendere to any crime, and prior to the acceptance by the court of a  
7 plea of guilty or nolo contendere made pursuant to a plea agreement  
8 with the state wherein the defendant pleads to a lesser offense than the  
9 offense with which such defendant was originally charged, the court  
10 shall permit [the] any victim of the crime to appear before the court for  
11 the purpose of making a statement for the record, which statement  
12 may include the victim's opinion of any plea agreement. In lieu of such  
13 appearance, the victim may submit a written statement or, if the victim  
14 of the crime is deceased, the legal representative or a member of the  
15 immediate family of such [crime] deceased victim may submit a

16 statement of such deceased [crime] victim to the state's attorney,  
17 assistant state's attorney or deputy assistant state's attorney in charge  
18 of the case. Such state's attorney, assistant state's attorney or deputy  
19 assistant state's attorney shall file the statement with the sentencing  
20 court and the statement shall be made a part of the record at the  
21 sentencing hearing. Any such statement, whether oral or written, shall  
22 relate to the facts of the case, the appropriateness of any penalty and  
23 the extent of any injuries, financial losses and loss of earnings directly  
24 resulting from the crime for which the defendant is being sentenced.  
25 The court shall inquire on the record whether any victim is present for  
26 the purpose of making an oral statement or has submitted a written  
27 statement. If no victim is present and no such written statement has  
28 been submitted, the court shall inquire on the record whether an  
29 attempt has been made to notify any such victim as provided in  
30 subsection (c) of this section. After consideration of any such  
31 statements, the court may refuse to accept, where appropriate, a  
32 negotiated plea or sentence, and the court shall give the defendant an  
33 opportunity to enter a new plea and to elect trial by jury or by the  
34 court.

35 Sec. 2. Section 53a-46d of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2003*):

37 A victim impact statement prepared [by] with the assistance of a  
38 victim advocate to be placed in court files in accordance with  
39 subdivision (2) of subsection (a) of section 54-220, as amended by this  
40 act, may be read in court prior to imposition of sentence upon a  
41 defendant found guilty of a crime punishable by death.

42 Sec. 3. Section 54-220 of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective October 1, 2003*):

44 (a) Victim advocates shall have the following responsibilities and  
45 duties: (1) To provide initial screening of each personal injury case; (2)  
46 to [prepare] assist victims in the preparation of victim impact  
47 statements to be placed in court files; (3) to [assist victims by providing

48 information needed for more effective processing of cases] notify  
49 victims of their rights and request that each victim attest to the fact of  
50 such notification of rights on a form developed by the Office of the  
51 Chief Court Administrator, which form shall be signed by the victim  
52 advocate and the victim and be placed in court files and a copy of  
53 which form shall be provided to the victim; (4) to provide information  
54 and advice to [individual] victims in order to assist such victims in  
55 exercising their rights throughout the criminal justice process; (5) to  
56 direct victims to public and private agencies for service; (6) to  
57 coordinate victim applications to the Office of Victim Services; and (7)  
58 to assist victims in the processing of claims for restitution.

59 (b) Within available appropriations, the Office of Victim Services  
60 may contract with any public or private agency for victim advocate  
61 services in geographical area courts.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### ***OFA Fiscal Note***

#### ***State Impact:***

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Judicial Dept.	GF - Cost	Minimal	Minimal

Note: GF=General Fund

#### ***Municipal Impact:*** None

#### ***Explanation***

The bill requires the court to ask on the record, prior to the imposition of sentence for any crime, whether a victim is present to make a victim impact statement. If the victim is not present, the court must ask whether an attempt has been made to notify said victim. This mandate would delay the conclusion of sentencing hearings and, thus, could increase the backlog of criminal cases. Such an increase is not expected to be substantial, however, and would not require additional appropriations.

The bill specifies the duties of court-based victim advocates, and requires them to notify victims of their rights and request that each victim attest to the fact of such notification on a form developed by the Judicial Department. There is a workload increase and minimal cost associated with the development and provision of forms to be signed and placed in court files.

House Amendment "A" adds the provisions concerning the duties of victim advocates and has a minimal cost.

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**OLR Bill Analysis**

sSB 1066 (as amended by House "A")\*

**AN ACT CONCERNING VICTIMS' RIGHTS IN COURT PROCEEDINGS****SUMMARY:**

By law, the victim of any crime (or the representative or immediate family of a deceased victim) may make a statement to the court before the defendant who committed the crime is sentenced or the court accepts a plea agreement to a lesser charge. Additionally, the court has in its files a victim impact statement completed by Judicial Branch employees serving as victim advocates.

This bill requires courts to ask, on the record, whether a crime victim is present and wants to make a statement or has submitted a written statement. If no victim is present and no statement has been submitted, the court must ask, on the record, whether the state's attorney, assistant state's attorney, or deputy assistant state's attorney attempted to contact the victim as required by law. By law, crime victims' statements to the court are limited to the facts of the case, the appropriateness of any penalty, the extent of any injuries, losses directly resulting from the crime the defendant committed, and opinions about any plea agreement.

The bill requires victim advocates to help victims prepare, rather than to prepare for them, impact statements, and makes other clarifying changes to victim advocates duties. Specifically, it eliminates a requirement for the advocates to give victims information necessary to effectively process cases and instead requires them to notify victims of their rights. The advocates must ask victims to attest the notification by signing, together with the advocates, a form developed by the Office of the Chief Court Administrator. Victims must receive a copy of the form and the original must be placed in court files.

Lastly, the bill specifies that the purpose for information and advice that advocates must provide victims is to help victims exercise their rights throughout the criminal justice process.

\*House Amendment "A" adds the provisions on victim advocates.

EFFECTIVE DATE: October 1, 2003

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41      Nay 0